



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Handwritten: 3724
Election
#402/11/3

In Re Patent Application of:

Sergey Fedorovich Golovashchenko, et al.

Serial No.: 09/927,281 ✓

Group Art Unit: ~~5317~~ 3724

Filed: August 10, 2001

Examiner: Kenneth E. Peterson

For: APPARATUS FOR TRIMMING METAL

Attorney Docket No.: FGT 1452 (200-1213)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

1/24/03
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Loren A. Hoeg
(Signature)

RESTRICTION / ELECTION WITH TRAVERSE

Box Non-Fee Amendment
Assistant Commissioner of
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Washington, D.C. 20231

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FEB 07 2003

TECHNOLOGY CENTER R3700

Dear Sir:

This paper is in response to the first Office Action in the above-entitled application, mailed December 24, 2002, and allowing one month for response. This response is timely because it is being filed within the one month period set for response.

1. The office action requires an election between claims in described group A (recited as figure 5), group B (recited as figure 6), and group C (recited as figure 7).

The Applicant respectfully **elects group A** with traverse. The Applicant notes that claims 1-4 and 7-16 all are either generic or are readable upon the group A. The Applicant respectfully, however, notes that 37 CFR 1.141 provides that a reasonable number of species may be claimed in a single application (see MPEP 806.04(h)). The Applicant further notes that under MPEP 808.02, the Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following:

(A) Separate classification thereof: The Applicant notes that the no explanation or argument has been provided to assert that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. To the contrary, the Applicant notes that each of the species listed provides a similar function to the claimed inventiveness of the present invention and would not require a separate field of search.

(B) A separate status in the art when they are classifiable together: Neither a separate status in the art, a separate field of search, or patents cited of evidence of this argument were provided by the office action as required under MPEP 808.02(B). Again to the contrary, the limitations claimed in claims 4,5, and 6 are clearly functioning within a single field of search or status in the art.

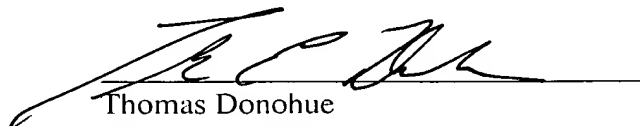
(C) A different field of search: Where the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions according to MPEP 808.02(C). Therefore, the Applicant respectfully asserts that restriction in this case is improper.

CONCLUSION

The Applicant would like to thank the Examiner for his assistance. In light of the above remarks, Applicant submits that the claims of the present application should be reviewed without restriction.

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



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Dated: January 22, 2003